

1645

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DOCKET NO.: 9491-033-27

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RECEIVED

Re: Serial No.: 08/948,149
Applicant(s): Brian M. FENDLY et al.
Filing Date: October 9, 1997
For: ANTI-ERBB2 ANTIBODIES
Group Art Unit: 1645
Examiner: R. Swartz

JAN 12 2001

TECH CENTER 1600/2900

SIR:

Attached hereto for filing are the following papers:

Fee Transmittal
Request for Extension of Time (3 months)
Amendment

Our check in the amount of \$890.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 50-1442. Further, if these papers are not considered timely filed, then a request is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

PIPER MARBURY RUDNICK & WOLFE LLP

January 10, 2001

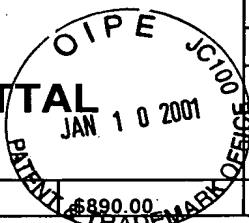
Date

Laura A. Donnelly

Steven B. Kelber
Attorney of Record
Registration No.: 30,073

Laura A. Donnelly
Registration No. 38,435

FEE TRANSMITTAL



Docket No.	9491-033-27
Serial No.	08/948,149
Filing Date	October 9, 1997
Inventor(s)	Brian M. FENDLY et al.
Group Art Unit	1645
Examiner	R. Swartz

TOTAL AMOUNT OF PAYMENT

\$890.00

1. <input type="checkbox"/> Applicant claims small entity status. <input checked="" type="checkbox"/> Charge any <u>UNDERPAYMENT</u> or credit any <u>OVERPAYMENT</u> in the indicated fees to Deposit Account No. 50-1442. <input type="checkbox"/> Charge the indicated fees to Deposit Account No. 50-1442.										FEE CALCULATION (continued)											
2. <input checked="" type="checkbox"/> Check enclosed.										3. ADDITIONAL FEES											
										Large Entity		Small Entity		Fee Description							
										Fee Code	Fee (\$)	Fee Code	Fee (\$)		Fee Paid						
FEE CALCULATION										105	130	205	65	Surcharge-late filing fee or oath							
1. BASIC FILING FEE										127	50	227	25	Surcharge-late provisional filing fee or cover sheet							
Large Entity		Small Entity		Fee Description						139	130	139	130	Non-English specification							
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Paid						147	2520	147	2520	Ex parte reexam. fee							
101	710	201	355	Utility filing fee						115	110	215	55	1-mo. ext. of time							
106	320	206	160	Design filing fee						116	390	216	195	2-mo. ext. of time							
107	490	207	245	Plant filing fee						117	890	217	445	3-mo. ext. of time		890.00					
108	710	208	355	Reissue filing fee						118	1390	218	695	4-mo. ext. of time							
114	150	214	75	Provisional filing fee						128	1890	228	945	5-mo. ext. of time							
SUBTOTAL (1)										\$0.00		119	310	219	155	Notice of Appeal					
2. EXTRA CLAIM FEES										120	310	220	155	Appeal Brief							
tot. claims		-		20*		= 0		x \$18		= 0		121	270	221	135	Request for Oral Hearing					
ind. claims		-		3*		= 0		x \$80		= 0		142	1240	242	620	Utility/Reissue Issue Fee					
<input type="checkbox"/>		Multiple Dependent Claims						\$270		=		143	440	243	220	Design Issue Fee					
Large Entity		Small Entity		Fee Description						144	600	244	300	Plant Issue Fee							
Fee Code	Fee (\$)	Fee Code	Fee (\$)							122	130	122	130	Petitions to the Commissioner							
103	18	203	9	Claims in excess of 20						126	180	126	180	IDS Submission							
102	80	202	40	Independent claims in excess of 3						581	40	581	40	Assignment							
104	270	204	135	Multiple dependent claim, if not paid						179	710	279	355	For Filing RCE							
109	80	209	40	*Reissue independent claims over original patent						169	900	169	900	Expedited Design							
110	18	210	9	*Reissue claims in excess of 20 and over original patent						OTHER (indicate below):											
SUBTOTAL (2)										\$0.00											
* or number previously paid, if greater; For Reissues, see above										SUBTOTAL (3)										\$890.00	

Name	Steven B. Kelber	Registration No.	30,073
Signature	<i>Laura A. Donnelly</i>	Date	11/01/01
Name	Laura A. Donnelly	Registration No.	38,435
Telephone	202-861-3900		

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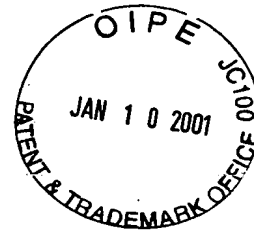
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Brian M. FENDLY, et al.
SERIAL NO.: 08/948,149
FILING DATE: October 9, 1997
FOR: ANTI-ERBB2 ANTIBODIES

ART UNIT: 1645
EXAMINER: SWARTZ, R.

AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



SIR:

In response to the Office Action dated July 10, 2000, the time for responding thereto having expired on October 10, 2000 being extended by three months pursuant to a request for a 3 month extension of time filed herewith, please consider the following remarks:

IN THE CLAIMS

Please amend claims 28, 32, 34, 42 and 58 as follows:

C1 D1 28. (Twice Amended) A method for inducing cell death comprising exposing a cell which overexpresses ErbB2 to an effective amount of an isolated antibody [which binds to Domain 1 of ErbB2] that cross-blocks binding of antibody 7C2 or antibody 7F3 to ErbB2.

D2 C2 32. (Amended) The method of claim 28 further comprising exposing the cell to a second anti-ErbB2 antibody which does not [bind to Domain 1 of ErbB2] cross-block binding of antibody 7C2 or antibody 7F3 to ErbB2.